

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Robin L. Wetzel, Ph.D., L.P.
License No. LP 4796

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Psychology ("Board") on January 23, 2015, convened at 2829 University Avenue SE, Suite 320, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 5 of the Stipulation and Consent Order ("2014 Consent Order") issued by the Board to Robin L. Wetzel, Ph.D., L.P. ("Respondent"), on January 28, 2014. At the hearing, the Board's Complaint Resolution Committee presented affidavit evidence of Respondent's violations of the 2014 Consent Order. Eric H. Anderson, Esq., appeared and presented oral argument on behalf of Respondent. Hans A. Anderson, Assistant Attorney General, appeared and presented oral argument on behalf of the Board's Complaint Resolution Committee. Members of the Board's Complaint Resolution Committee involved in the prosecution of this matter did not participate in deliberations and did not vote in the matter. Jennifer Coates, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 148.88 to 148.98 to license, regulate, and discipline persons who apply for, petition, or hold licenses to practice psychology and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103

to review complaints against licensed psychologists, to investigate complaints, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the 2014 Consent Order issued by the Board on January 28, 2014. In paragraph 5 of the 2014 Consent Order, Respondent expressly acknowledged and agreed to procedures the Board's Complaint Resolution Committee may use to resolve alleged noncompliance with or violation of the 2014 Consent Order. The 2014 Consent Order remained in full force and effect at the time the conduct described in paragraph 4 below occurred.

3. Respondent expressly acknowledged and agreed in paragraph 5 of the 2014 Consent Order that in the event the Board received evidence Respondent violated the terms of the 2014 Consent Order, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

4. The Board received information that Respondent violated the terms of the 2014 Consent Order and engaged in acts or omissions which would be a violation of Minnesota Statutes section 148.941 as follows:

a. The 2014 Order provided that Respondent's license to practice psychology was suspended, but that the suspension was stayed upon specified conditions. Among other things, the 2014 Order required Respondent to successfully participate in the HPSP.

b. On March 6, 2014, Respondent signed a Participation Agreement and Monitoring Plan with the HPSP.

1) Paragraph I.C.1. of Respondent's monitoring plan requires that the HPSP pre-approve Respondent's practice setting in which she proposes to work.

2) Paragraph I.C.2 of Respondent's monitoring plan requires Respondent to notify the HPSP in advance of changes in work site monitors and employment settings. Additionally, the same paragraph requires Respondent to notify the HPSP immediately of unexpected changes in employment.

3) Paragraph I.C.3. of Respondent's monitoring plan requires Respondent to identify a work site monitor and ensure the HPSP has a signed consent to exchange information with the worksite monitor/work setting.

c. On October 22, 2014, Respondent's HPSP Case Manager called Respondent to inform Respondent that she had not received Respondent's reports due October 15, 2014. Respondent informed her HPSP Case Manager that Respondent had not worked at her approved worksite since August 20, 2014. Additionally, Respondent stated that she started seeing 20 to 30 patients in private practice the week of August 20, 2014. Respondent proposed a new worksite monitor.

d. On November 17, 2014, the HPSP notified the Board of Psychology that it had unsatisfactorily discharged Respondent for failing to notify the HPSP of her change in worksite, failing to obtain preapproval from the HPSP for her worksite, and failing to have a worksite monitor.

5. On December 2, 2014, Respondent was served with a Notice of Removal of Stay of Suspension, Imposition of Suspension, and Hearing ("Notice") and Order of Removal of Stay of Suspension by first-class mail at her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Respondent she was required to submit a response to the allegations in the Notice within ten days after the Notice was mailed.

6. The Board's Complaint Resolution Committee had probable cause to revoke the stay of suspension.

CONCLUSIONS

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 148.941, 214.10, and 214.103.

2. The Board's Complaint Resolution Committee gave proper notice of the alleged violations to Respondent, pursuant to paragraph 5 of the 2014 Consent Order.

4. The Board's Complaint Resolution Committee has the burden of establishing the statutory violations charged by a preponderance of the evidence.

5. The Board's Complaint Resolution Committee has proved by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 148.941, subdivision 2(1) and the 2014 Consent Order.

6. As a result of the violations set forth above and pursuant to the terms of the 2014 Consent Order, the Board has the authority to impose additional disciplinary action against Respondent's license to practice psychology.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the 2014 Consent Order issued to Respondent on January 28, 2014, is hereby **RESCINDED** and shall have no future force or effect except as incorporated and restated herein.

2. IT IS FURTHER ORDERED that Respondent's license to practice psychology in the State of Minnesota is **SUSPENDED** immediately for an indefinite period of time.

3. IT IS FURTHER ORDERED that during the period of suspension Respondent shall not engage in any conduct that constitutes the practice of psychology as defined in Minnesota Statutes section 148.89, subdivision 5, and shall not imply to any person by words or conduct that Respondent is authorized to practice psychology in the State of Minnesota.

4. IT IS FURTHER ORDERED that Respondent may petition the Board to have the suspended status removed from her license following 12 months from the date of this Order. Respondent's license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of psychology and has had 12 months of stable mental health immediately preceding her petition. At the time of Respondent's petition, Respondent shall meet with the Board's Complaint Resolution Committee and provide documentation of 12 months of stable mental health. In petitioning for removal of the suspension, Respondent shall comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact contained in the Findings of Fact.
- b. Evidence of compliance with the provisions of this Order. As part of the proof of compliance, Respondent shall submit the following in support of her petition:

- 1) Self-Report. Respondent shall submit to the Board a report from Respondent herself. The report shall be submitted at the time Respondent petitions for reinstatement of her license. The report shall provide and address:

- a) Respondent's physical and mental health status, treatment plan, medications, and compliance with treatment;
- b) Respondent's work schedule and volunteer schedule;
- c) Respondent's future plans in psychology and the steps she has taken to prepare herself to return to practice; and
- d) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

2) Report From Employer. If Respondent is employed by someone other than herself, Respondent shall cause to be submitted to the Board a report from Respondent's employer. The report shall be submitted at the time Respondent petitions for reinstatement of her license. The report shall provide and address:

- a) Respondent's ability to perform assigned tasks;
- b) Respondent's attendance and reliability;
- c) Respondent's ability to handle stress;
- d) Respondent's typical work schedule; and
- e) Any other information the employer believes would assist the Board in its ultimate review of this matter.

3) Report From Licensed Psychologist. At the time Respondent petitions for reinstatement of her license, Respondent shall cause to be submitted to the Board a report from any psychologist she consults with while this order is in effect. The report shall provide and address:

- a) Verification the psychologist has reviewed this Order and the 2014 Order;

b) Identification of a plan of treatment, including any medications, devised for Respondent;

c) A statement of the involvement between Respondent and the psychologist, including the number and frequency of meetings;

d) Respondent's progress with therapy and compliance with the treatment plan;

e) The psychologist's conclusion as to the need for continuing therapy and Respondent's discontinuance of therapy; and

f) Any other information the psychologist believes would assist the Board in its ultimate review of this matter.

4) Report From Health Care Professional. Respondent shall cause to be submitted to the Board a report from any health care professional whom Respondent consults for physical health, mental health, or chemical dependency treatment while this Order is in effect. The reports shall be submitted at the time Respondent petitions for reinstatement of her license. The reports shall provide and address:

a) Verification the health care professional has reviewed this Order and the 2014 Order;

b) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent;

c) Respondent's progress with therapy and compliance with the treatment plan;

d) A statement regarding Respondent's mental health status;

e) Recommendations for additional treatment, therapy, or monitoring; and

f) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

5) Report of Prescribed Mood-Altering Chemicals. Respondent shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Respondent during the period this Order is in effect. The reports shall be submitted at the time Respondent petitions for reinstatement of her license. The reports shall provide and address:

a) Verification the physician, dentist, or other health care professional has reviewed this Order and the 2014 Order;

b) The name, dosage, frequency, and purpose of the mood-altering chemicals for Respondent;

c) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

6) Mental Health Evaluation. Within 60 days prior to petitioning, Respondent shall undergo a mental health evaluation performed by a licensed psychiatrist or a licensed psychologist. Respondent shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Respondent is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

a) Verification the evaluator has reviewed a copy of this Order, the 2014 Order, and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation;

b) Diagnosis and any recommended treatment plan;

c) Respondent's ability to handle stress;

d) Recommendations for additional evaluation or treatment;

and

e) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

7) Compliance With Evaluator's Recommendations. Respondent shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

8) Waivers. If requested by the Board at any time during the petitioning process, Respondent shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Respondent's case with and to obtain written evaluations and reports and copies of all of Respondent's health, mental health, or chemical dependency records from her physician, psychologist, mental health treatment professional/therapist, chemical dependency counselor, or others from whom Respondent has sought or obtained treatment, support, or assistance.

9) Additional Information. Any additional information relevant to Respondent's petition reasonably requested by the Board's Complaint Resolution Committee.

5. IT IS FURTHER ORDERED that Respondent shall meet all reregistration requirements in effect at the time of her petition, including but not limited to completing the

appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

6. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 148.941, subdivision 2(1), and provide grounds for further disciplinary action.

7. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 4 above, take any of the following actions:

- a. Issue Respondent an unconditional license;
- b. Issue Respondent a license with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or
- c. Continue the suspension of Respondent's license upon her failure to meet the burden of proof.

Dated: 1/27/15

MINNESOTA BOARD OF PSYCHOLOGY

Scott A. Fischer, Ph.D., LP
Scott Fischer, Ph.D., LP
Board Chair